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ABSTRACT

The goal of the Hearst survey was to measure the public's knowledge of the U.S. Constitution. This report is divided into three sections: (1) a report on the survey in the form of an address to the National Conference of Bar Presidents; (2) the survey findings; and (3) the survey methodology. The survey itself, in which 1,004 respondents were interviewed by telephone, contains four parts. The first group of questions, found in part 1, was designed to determine the public's understanding of the Constitution's origin. Only 54 percent knew the purpose of the original U.S. Constitution was to create a federal government and define its powers. Twenty-six percent believed the document's purpose was to declare independence from England. Only 40 percent knew the Bill of Rights is comprised of the first 10 amendments to the original Constitution. Part 2 of the survey explores the U.S. public's knowledge of the presidency and the Supreme Court. The public tends to overestimate the domestic powers of the country's chief executive. Six in 10 U.S. citizens knew that the Supreme Court is the final authority on the interpretation of the Constitution. Part 3 documents the public's understanding of individual rights embodied in the Constitution. U.S. citizens demonstrate a clear understanding of the criminal justice system. Part 4 of the survey was devoted to public opinion on constitutional issues. The public is willing to support constitutional changes; however, those persons who are most knowledgeable about the Constitution are least likely to support change. The Hearst survey indicates that without adequate factual or conceptual knowledge of the U.S. Constitution, the public cannot fully understand the constitutional issues debated in courts of law. The responses to each of the questions are illustrated in part 2 of the document, and part 3 outlines the methodology used to analyze the data. (SM)

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The American Public's Knowledge of the U.S. Constitution

a national survey of public awareness and personal opinion

A HEARST REPORT

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The American Public's Knowledge of the U.S. Constitution

a national survey
of public awareness and personal opinion

A HEARST REPORT

I.
The American Public's Knowledge of the U.S. Constitution

A Report on the National Survey by
Frank A. Bennack, Jr.
President and Chief Executive Officer
The Hearst Corporation
Presented At
The Midyear Meeting of the
National Conference of Bar Presidents
New Orleans, Louisiana
February 14, 1987

Page 1

II.
The Survey Findings

Page 11

III.
The Survey Methodology

Page 37

PART I.

A Report on the National Survey

FRANK A. BENNACK, JR.
President and Chief Executive Officer
The Hearst Corporation

This year marks a momentous occasion in American history—the 200th anniversary of the United States Constitution. On September 17, 1787, the 12th year of our nation's independence, a group of some of the most venerable figures in American history signed their names to a document which was to become the charter for the first successful experiment in self-government in the modern era.

One of those venerable gentlemen, Thomas Jefferson, had this to say about the republican form of government embodied in the U.S. Constitution: "Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer this question."

Certainly Jefferson, one of the world's foremost political philosophers and one of the staunchest advocates of American democracy, would be gratified by history's reply.

It is this singular document, the U.S. Constitution, that has lighted our nation's way through two centuries of government of the people, by the people, and for the people. This remarkably durable document established the political structure and principles of an American system of government that endured and flourished while the world was convulsed in war and revolution, while we moved from an agrarian 17th century into the Atomic Age.

The importance of the U.S. Constitution as the embodiment of the American ideals of democracy and the inherent rights of man cannot be overstated. It is considered the most sacred of all American political writings and it has set an example for free nations throughout the world.

As all of you here today are well aware, the U.S. Constitution is more than just a symbolic historical document. It is a living entity and the supreme law of the land. It is also a solemn responsibility shared by all Americans, one that no American citizen should take lightly.

With that responsibility in mind, The Hearst Corporation commissioned a national survey titled "The American Public's Knowledge of the U.S. Constitution." Our purpose was to determine exactly how much the American public know and understand about the fundamentals of the U.S. Constitution—its contents, meaning, and evolution throughout the years.

Hearst disseminates news and information every day through a network of daily newspapers, magazines, television and radio stations, cable television systems, book companies, and other sources. Since it is one of the largest communications companies in the nation, Hearst has a

professional interest in knowing how well informed and knowledgeable the American public is.

When the results of this survey arrived on my desk, they confirmed what I had already suspected. Americans today have a confused understanding of many of the Constitution's basic tenets and provisions.

My suspicions were founded on The Hearst Corporation's previous experience with surveying the American public on constitutionally-related matters.

In 1983, we sponsored a study on the public's knowledge of the American judicial system. As you know, the U.S. Constitution is parent to the judiciary. That 1983 survey found the public's understanding of the operation of the courts and the people who preside over them to be basically flawed. The public also proved misinformed about some of the most fundamental principles upon which our concept of justice is based.

This most recent Hearst survey has likewise uncovered gaps in the public's appreciation of the U.S. Constitution—what it is, how our system of government functions under it, and the personal freedoms it accords each and every one of us.

Before I report on the specific findings of our survey on the American public's knowledge of the U.S. Constitution, I'd first like to give you a little background on the project itself.

The Hearst Survey

This Hearst survey had four objectives: (1) to measure the public's knowledge of the history and purpose of the original U.S. Constitution; (2) to assess the public's understanding of constitutional authority as it applies to our system of government; (3) to determine how well informed Americans are about personal liberties and individual rights; and (4) to document public opinion on certain contemporary constitutional issues.

The field work was conducted by Research & Forecasts, Inc., a national research and consulting organization based in New York. They completed telephone interviews with 1,004 respondents selected at random so as to reflect the various demographic groupings throughout the United States.

All of the results I will mention here this morning are statistically valid within an overall margin of error of 3.2 percent. This is the standard norm for all the other national surveys or polls with which you are familiar.

Our questionnaire was prepared with the able assistance of Louis Henkin, Esquire, University Professor at Columbia University School of Law.

The findings themselves were divided, like the objectives, into four separate categories and for the purposes of this announcement, I will follow that progression.

Before I get to the specifics, I'd like to point out a few of the most significant overall findings of this Hearst survey:

Number One—Among the subject areas examined, the American public proved most knowledgeable about the criminal justice system. The overall awareness of personal rights, however, was very inconsistent.

Number Two—Majorities of Americans overestimate the domestic powers of the President

and the responsibilities of the Supreme Court. They also are unclear about the governmental authority outlined in the Constitution.

Number Three—Large majorities of Americans today are willing to support certain changes in the Constitution.

The Findings

The first group of questions in the survey was designed to put the Constitution into a historical perspective and determine how much the public understands about the document's origin. On the most basic level, we wanted to know if the American public understands what the U.S. Constitution is. Are they aware that it laid down the principles and structure of the democratic form of government we live under today?

We also wanted to know how familiar they are with the fundamental principles it embodies, such as basic civil liberties.

The responses generally indicate a poor grasp of some elemental American history on the part of the American public.

For example, only a slight majority, 54 percent, know that the purpose of the original U.S. Constitution was to create a federal government and define its powers. Twenty-six percent believe the document's purpose was to declare independence from England. Another 10 percent believe it was intended to create the 13 original states.

The public also seems to confuse the Constitution with other documents. In a separate question, large majorities, 80 percent and 77 percent, respectively, incorrectly attribute two phrases from the Declaration of Independence to the Constitution. A vast majority of Americans, 82 percent, also think the Gettysburg Address phrase "of the people, by the people, for the people" is found in the Constitution.

A majority also do not know what the Bill of Rights is. Only 41 percent of Americans know that it is the first ten amendments to the original Constitution. Twenty-seven percent think this document, which enshrines our most valued individual liberties, is a preamble to the Constitution. Nineteen percent identify it as any bill involving personal rights that passes through Congress.

Sixty-four percent of the public is under the misconception that the Constitution establishes English as the national language. This finding is somewhat surprising considering the attention given to the passage of a law in California last November declaring English that state's official language. And as you know, proposals for state laws or a constitutional amendment which would make English the official language are currently pending in a number of other states.

On a more positive note, three-quarters of the American public understand the basic process by which the Constitution is amended. Only one-third, however, know approximately how many times this has been done. Thirteen percent think there are between 1 and 10 amendments—instead of the actual 26. Fourteen percent think there are between 11 and 20, and 22 percent believe there are more than 30 amendments.

Part Two of the Hearst report explores the American public's knowledge of the structure and function of the institutional authority that underlies our system of government. The questions

were designed to determine how much the public understands about the presidency and the Constitution, the rights of the states, and the role of the Supreme Court as one of the three branches of government established by the Constitution.

Before I get to our next set of results, I'd like you to see what one of our television stations—WCVB in Boston—discovered when it took our survey questionnaire onto the streets of that historic city.

WCVB-TV is, I might add, one of the nation's most highly respected and honored television stations, with a well-deserved reputation for excellence in local programming.

This Hearst television station also happens to be located in the capital city of one of the original thirteen states and a place that resonates with American history. As the city where colonial unrest led to the revolutionary war, Boston played a critical role in the events leading up to the drafting of the Constitution. In light of its historic richness, I thought Boston would be an appropriate place to test the American public's knowledge of the U.S. Constitution.

Here is what happened when a WCVB-TV news reporter went on location in the streets of Boston and asked passersby questions about the original Constitution, the presidency, states' rights, and the Supreme Court.

Video #1

Overall, the responses of those Bostonians were representative of what we found across the country.

I'd now like to tell you some of the highlights of our findings on public familiarity with constitutionally-defined institutional authority. I won't be citing every statistic documented in the Hearst survey because we have a detailed booklet containing all the results, as well as the methodology, which you may pick up before you leave the hall this morning.

Let's begin with the top political office, the presidency. The American public tends to overestimate the domestic powers of the country's chief executive. Nearly half, 49 percent, erroneously believe the President can suspend the Constitution in the event of war or national emergency. And one-third think the President can adjourn Congress. Fully 60 percent said that the President, acting alone, can appoint a Justice to the Supreme Court, which all of us here today know is not the case.

What makes these deficiencies all the more interesting is that the American people demonstrate a much better grasp on some of the specifics of foreign policy. Large majorities—over 70 percent in all three instances—know that the President, on his own, cannot conclude treaties with the Soviet Union, declare war on Libya, or send military aid to Central America. Sixty-two percent also know that the President cannot give economic aid to friendly countries on his own authority.

In a year preceding a presidential election, I cannot stress enough the importance of a basic understanding of the powers of the presidency on behalf of the American population. Whether the public's misunderstandings speak of political apathy, insufficiencies in our educational system, or a poor job of informing the public on the part of the media, it is a problem in need of a remedy.

The Hearst survey also explores the public's understanding of the powers granted the states by the U.S. Constitution. The findings, as you will see, were riddled with inconsistencies.

On the side of awareness, three-quarters of the population know that states have the right to place a sales tax on goods. An even greater number—83 percent—know that the Constitution permits the states to establish a death penalty for certain crimes.

On the side of unawareness, however, 68 percent of the public do not know that a state can legalize marijuana within its borders, even though Alaska legalized personal usage more than ten years ago and a referendum to permit similar rights was defeated in Oregon in last November's elections. Only 28 percent of Americans are aware of this state right.

The public's knowledge of states' rights involving religion in the schools is also deficient. For example, just under half, 49 percent, know that a state is not permitted to declare an official state prayer. Less than half, 47 percent, are aware that states are prohibited from giving money to religious schools, even if they were to give it to all schools equally.

And while we're in the area, exactly half of the American public do not know that it is illegal for schools to establish a moment of silence for the purposes of prayer. Three-quarters do know, however, that schools may not institute Bible readings in the classroom. On a related subject, a majority of Americans, 57 percent, erroneously believe that local schools can require children to pledge allegiance to the U.S. flag.

Prayer in the schools, as you in the legal profession know all too well, has been one of the most pressing issues on this nation's political agenda in recent years. This public confusion on a prominent legal issue that has received extensive media coverage in recent years is a bit bewildering.

The American public did, I might add, fare better on laws governing voting requirements in the states. Fully 81 percent know that it is unconstitutional for communities to impose religious requirements on candidates running for local public office. Two-thirds of the public also know that the Constitution left voting requirements up to the individual states. However, a full three-quarters do not know that states are indeed permitted to require literacy tests before citizens may become registered voters.

As representatives of the legal community, I presume you are curious to know how the public did on questions relating to the judiciary. We concentrated on public understanding of the Supreme Court, given the impact the nine jurists who head that institution have as the final arbiters of constitutional issues.

Six in ten Americans know that the Supreme Court is the final authority on the interpretation of the Constitution. Interestingly, of the 37 percent who answered otherwise, twice as many attribute that authority to Congress than to the President.

I'm sorry to have to report that although his appointment took place just several months ago and amid much media attention, only 43 percent of the American public could identify William Rehnquist as the current Chief Justice of the United States. Twenty-nine percent apparently haven't been keeping up with the news—they think Warren Burger is still Chief Justice.

Our fellow Americans are also confused about how the Supreme Court functions. Exactly half know that a Supreme Court decision can be overruled. A hefty 85 percent are under the false

impression that ANY important court case can be appealed from the state courts to the U.S. Supreme Court.

As for specific Supreme Court cases which have shaped American society in recent years, the public proves largely ignorant. Barely more than half of the public could identify the landmark school segregation case of Brown versus Board of Education, one of the most famous cases in American constitutional history. Less than half, 45 percent, know that Miranda versus Arizona dealt with the rights of the accused, and in spite of the ongoing controversy over the matter, only 30 percent know that Roe versus Wade was a landmark Supreme Court ruling on abortion rights. I should note that at least 28 percent of our survey respondents declined to answer when asked to identify each of these three important cases. In the case of Roe versus Wade, that percentage jumped to 45 percent.

These findings indicate that significant numbers of Americans are in the dark when it comes to our nation's highest court of law. Perhaps it seems to them a remote and mysterious institution detached from public purview. If this is the case, I think we need to do something about it. Supreme Court decisions shape our lives, often in profound ways. It seems to me essential that the American public be knowledgeable and informed about the branch of our government charged with interpreting and enforcing the Constitution. As Thomas Jefferson once wrote, "I know no safe depository of the ultimate powers of the society but the people themselves."

With that thought in mind, I'd like to continue with the next part of the Hearst survey. Part Three documents the American public's knowledge of individual rights under the Constitution. The Hearst survey was interested in finding out how well informed the American public is about the individual rights governed by the U.S. Constitution—those aspects of our law which affect them most intimately and which reflect the primacy of the individual in American political life. We wanted to find out what the public knows about specific rights governing public education, health care, employment, the First Amendment, and the rights of the criminally accused, among other issues.

For a preview of what the Hearst survey found, let's return to Boston and see what the WCVB-TV film crew discovered.

Video #2

As I'm sure you have already surmised from the video, the American public's understanding of the individual rights embodied in the Constitution is muddled, at best.

One of the most statistically striking findings has to do with education. Fully three-fourths of Americans are under the false impression that the Constitution guarantees them a free public education.

One-half of the population wrongly believe the Constitution guarantees them the right to own a handgun and a significant 42 percent think they have a constitutional right to free health care if they cannot afford to pay for it. We did find, however, that seven in ten Americans know that the Constitution does not grant them the right to a job. Some of that knowledge, I suppose, is the consequence of first-hand experience.

The one area where the American public does show a clear understanding of their

constitutional rights is the criminal justice system. Among the survey's findings:

- 92 percent know that a person accused of a crime must be provided with a lawyer if he or she cannot pay for one
- 83 percent are aware of the constitutional provision for a trial by jury
- 81 percent know a person cannot be compelled to testify against a spouse in a court of law
- 69 percent are aware of the legal principle of "double jeopardy"
- 62 percent know minors can be punished for crimes committed before the age of 18
- 55 percent know that a convicted felon can be denied the right to vote

When I first looked at these figures, I noted a glaring inconsistency with the balance of our findings. I strongly suspect the media, and television in particular, has a role to play here. I'll elaborate on that hunch and what I think it means later in this presentation.

Considering the significance of First Amendment rights in our democratic system, we felt it would be important to test the public's understanding of these basic freedoms. And because Hearst is a communications company, we were interested, from a professional standpoint, in what Americans know of First Amendment protections. The findings were not particularly encouraging.

Less than half know that in a libel suit, the burden of proof is on the plaintiff, and not on the media representative charged with the libel. Just over half, 54 percent, know that there are restrictions on the printing and distributing of hard-core pornography.

This level of ignorance is perplexing given the recent attention to the issue of pornography by the Meese Commission. And as a representative of the media, I must say I am personally distressed by the apparent indifference on the part of the American public to the issue of freedom of the press, one of the fundamental safeguards in a free society.

Controversial Issues

Because what Americans think is as revealing as what they know, the last section of this Hearst survey was devoted to public opinion on certain contemporary constitutional issues.

On location in Boston our reporter asked passersby whether they would support certain changes in the Constitution. Here's what the proper Bostonians had to say.

Video #3

As you see, Americans aren't lacking for opinions.

The fourth and final part of the Hearst report documents public opinion. The issues include amendments governing health care, presidential terms of office, and Supreme Court Justices' terms of office. We also asked about members of the clergy holding public office and about convening a Constitutional Convention on issues of social importance.

Perhaps most significantly, our survey finds that majorities of Americans are willing to support certain changes in the U.S. Constitution. A further analysis of our survey findings reveals that those Americans who are *most* knowledgeable about the Constitution are *least* likely

to support changes. I cannot even begin to speculate on the implications of that finding, but it certainly gives us something to think about.

As for the specifics, six in ten Americans say that a special Constitutional Convention should be assembled this bicentennial year to consider amendments dealing with issues such as prayer in public schools, abortion, and freedom of the press.

Also, nearly three-fourths of the public would approve a constitutional amendment which would guarantee adequate health care to those who cannot afford to pay for it. These findings would seem to indicate that a sizable portion of the public also appears to be reform-minded.

Sixty-two percent of the public would oppose an attempt to repeal the 22nd Amendment in order to grant more than two terms in office to the country's President. Another 68 percent, however, do think Supreme Court Justices should be subject to reappointment after serving a term of years. For those of you entangled in the current controversy over whether life terms for Justices should be reconsidered, this is where the American public stands on the issue.

Seventy-two percent of the public are satisfied that under the constitutional separation of church and state, it is permissible for members of the clergy to hold public office. And 56 percent of the American people feel the First Amendment should be rewritten for the present day so that it clearly applies to the rights of the broadcasting media.

Some Personal Observations

Now that the facts and figures are before you, I would like to consider for a moment what they mean.

This Hearst survey, "The American Public's Knowledge of the U.S. Constitution," indicates that the public has neither adequate factual or conceptual knowledge of the U.S. Constitution. Without this knowledge, they cannot fully understand the constitutional issues that are debated in courts of law every day and which directly affect each and every one of us.

Our survey has documented that majorities of the American public are willing to support certain changes in the Constitution. But how can we be fully assured that they know the ramifications and consequences of such changes if they are misinformed about many of the basic principles and provisions of the Constitution in the first place? I offer that we cannot be thus assured. But I am confident that corrective measures can be taken.

The deficiencies in knowledge and understanding of the U.S. Constitution on the part of the American public matter to all of us, whether as members of the legal community, the media, or the public at large.

We in the media and you as the leaders of the legal community have a part to play in redressing the situation we find ourselves in as the Constitution enters its 200th year. What action you the members of the American legal system can take to help educate the American public is best left for you to determine.

I can comment, however, on the role of the media. As the chief executive of a communications company which owns and operates six television stations, I am well aware of the impact television has on the public. The better programs dealing with crime and criminal justice have

undoubtedly contributed to the public's knowledge in that area. I expect the print media, newspapers, in particular, make an important contribution as well.

But, as our survey indicates, much more needs to be done.

A Televised Initiative

The Hearst Corporation is pledged to help in this effort and as an important step we are underwriting a series of five special television programs for the Public Broadcasting Service entitled "The Presidency and the Constitution." This series is being produced by Columbia University Seminars on Media and Society and is scheduled to air on PBS in May. It will commemorate the Constitution's bicentennial, along with another notable event, the centennial anniversary of The Hearst Corporation.

The series will take an in-depth look at the effects of constitutional principles on presidential actions. Presidents Gerald R. Ford and Jimmy Carter will participate in the programs, along with many other prominent public figures including former Chief Justice Warren Burger, Attorney General Edwin Meese, former Secretary of State Dean Rusk, former Secretary of Defense Robert McNamara, Senator Orrin Hatch, Congressman Thomas Foley, and journalists William F. Buckley, Jr., and Bill Moyers. Other members of Congress, as well as political and military leaders, members of the judiciary, and both print and broadcast journalists will also take part in the broadcasts.

The Constitution's bicentennial offers an excellent opportunity for education of the sort this series will provide. We should all be mindful, however, of not turning this historic occasion into simply another overly commercialized and sentimentalized national event.

It should be approached as an opportunity for education, as well as celebration. As many political leaders have pointed out over the years, an informed and knowledgeable citizenry is a critical component of the democratic society established by the Constitution 200 years ago. The U.S. Constitution is our insurance that crucial liberties will remain protected from shifting political tides and changing societal circumstances.

I can assure you that all of the Hearst businesses involved in disseminating information, be they newspapers, magazines, books, or broadcast media, will do their part to raise the level of public consciousness about constitutional issues. I hope you will join us in this effort.

Thank you.

Part II.

The Survey Findings

Introduction

The Hearst survey had four objectives: (1) to measure the American public's knowledge of the history and purpose of the original U.S. Constitution; (2) to assess the public's understanding of constitutional authority as it applies to the American system of government; (3) to determine how well informed Americans are about personal liberties and individual rights; and (4) to document public opinion on certain contemporary issues.

All the questions developed for this study are reprinted here with the results. The methodology at the end of this report provides a full description of the survey design.

I. Knowledge of the U.S. Constitution

Knowledge of the Original Document

The majority of Americans (54%) know the purpose of the original Constitution was to create a federal government. One in four (26%) incorrectly say the Constitution's purpose was to declare independence from England.

This confusion with the Declaration of Independence is common. Eight in ten Americans (80%) wrongly say the phrase "All men are created equal" is in the Constitution. Like numbers say that "Life, liberty, and the pursuit of happiness" is also found in the Constitution. Another Declaration of Independence phrase, "The consent of the governed," is thought to be in the Constitution by a majority (52%) of the American public.

Eight in ten (82%) Americans also believe the Gettysburg Address phrase "Of the people, by the people, for the people" is found in the Constitution. And nearly half (45%) say the Marxist declaration "From each according to his ability, to each according to his need" is found in the Constitution.

Table 1: The Constitution of the United States was written in 1787. What was the purpose of the original U.S. Constitution?

	%
To create a federal government and define its powers	54
To declare independence from England	26
To create the 13 original states	10
To make George Washington the first President	4
Don't know/no answer	8
(Number of respondents)	(1,004)

Table 2: True or False: The following phrases are found in the U.S. Constitution.

	True	False	DK/NA
	%	%	%
"From each according to his ability, to each according to his need"	45	42	13
"The consent of the governed"	52	32	16
"Life, liberty, and the pursuit of happiness"	77	20	3
"All men are created equal"	80	18	1
"Of the people, by the people, for the people"	82	16	2
(Number of respondents)	(1,004)		

The Bill of Rights

A majority of Americans (59%) do not know what the Bill of Rights is. Only four in ten (41%) know the Bill of Rights is the first 10 amendments to the original Constitution. One in four (27%) say it is a preamble to the Constitution, and one in five (19%) believe it is any bill involving personal rights that passes through Congress.

Table 3: Which of the following best describes the Bill of Rights?

	%
The first 10 amendments to the original Constitution	41
A preamble to the original Constitution	27
Any bill involving personal rights that passes through Congress	19
A message of secession from the Founding Fathers to the British monarchy	5
Don't know/no answer	8
(Number of respondents)	(1,004)

English as the National Language

Nearly two-thirds (64%) of the American public falsely believe the U.S. Constitution establishes English as the national language.

Table 4: The U.S. Constitution establishes English as the national language, requiring that it be used in schools and government.

	%
True	64
False	34
Don't know/no answer	3
(Number of respondents)	(1,004)

Amending the Constitution

Three-fourths (76%) of the American population know the U.S. Constitution can be amended by a two-thirds vote of both houses of Congress, provided that three-quarters of the states approve.

Table 5: True or False: The U.S. Constitution can be amended by a two-thirds vote of both houses of Congress, provided that three-quarters of the states approve.

	%
True	76
False	18
Don't know/no answer	7
(Number of respondents)	(1,004)

Number of Amendments

There are 26 amendments to the U.S. Constitution. Thirteen percent (13%) of the American public say there are between 1 and 10; fourteen percent (14%) say there are between 11 and 20; twenty-two percent (22%) say there are more than 30 amendments. Thirty-four percent (34%) correctly give 21 to 30 as the number of amendments.

Table 6: How many amendments are there to the U.S. Constitution?

	%
None	2
1 to 10	13
11 to 20	14
21 to 30	34
More than 30	22
Don't know/no answer	15
(Number of respondents)	(1,004)

II. Familiarity with Constitutional Authority

A) Knowledge of the Presidency

Suspending the Constitution

Nearly half (49%) of the American population incorrectly believe the President can suspend the Constitution in time of war or national emergency.

Table 7: True or False: The President can suspend the Constitution in time of war or national emergency.

	%
True	49
False	46
Don't know/no answer	5
(Number of respondents)	(1,004)

Adjourning Congress

A majority (59%) of the American public know the President cannot adjourn Congress.

Table 8: True or False: The President can adjourn Congress when he sees fit.

	%
True	35
False	59
Don't know/no answer	7
(Number of respondents)	(1,004)

Executive Authority

Most Americans know the President, acting alone, is not permitted to conclude treaties with the Soviet Union, declare war on Libya, or send military aid to Central America. Nearly eight in ten (79%) know the President cannot conclude treaties with the Soviet Union; seven in ten (73%) know the President cannot declare war on Libya; and seven in ten (72%) know the President cannot send military aid to Central America.

A majority of the public (62%) also know the President cannot send aid to a friendly country on his own authority. Six in ten (60%), however, incorrectly say the President, acting alone, can appoint a Justice to the Supreme Court.

Table 9: According to the U.S. Constitution, can the President acting alone:

	Yes	No	DK/NA
	%	%	%
Conclude treaties with the Soviet Union?	18	79	4
Declare war on Libya?	23	73	5
Send military aid to Central America?	24	72	4
Appoint a Justice to the Supreme Court?	60	37	4
(Number of respondents)	(1,004)		

Table 10: True or False: The President can, on his own authority, give economic aid to friendly countries.

	%
True	36
False	62
Don't know/no answer	2
(Number of respondents)	(1,004)

Presidential Elections

Seven in ten Americans (71%) correctly state that under the U.S. Constitution, only a person born in the United States can be elected the country's President. Two-thirds (67%) also know the popular election does not automatically determine which candidate assumes the nation's highest office.

Table 11: True or False: Under the U.S. Constitution, only a person born in the United States can be elected the country's President.

	%
True	71
False	27
Don't know/no answer	2
(Number of respondents)	(1,004)

Table 12: True or False: According to procedures outlined by the U.S. Constitution, the presidential candidate who gets the most votes in a popular election automatically becomes President.

	%
True	31
False	67
Don't know/no answer	2
(Number of respondents)	(1,004)

B) Knowledge of State and Local Laws

States' Rights

Three-quarters (75%) of the American public correctly say that states have the right to levy a tax on goods sold within the state. Less than half (46%) know that states have the right to maintain a separate state militia. Nearly half (49%) know that individual states do not have the right to declare an official state prayer.

Table 13: The U.S. Constitution preserves states' rights. Please tell me whether states have the following rights.

	Yes	No	DK/NA
	%	%	%
The right to levy a tax on goods sold within the state	75	22	3
The right to maintain a separate state militia, that is, military force, under the command of the governor of the state	46	49	5
The right to declare an official state prayer	45	49	6
(Number of respondents)	(1,004)		

The Death Penalty

Most Americans (83%) know the U.S. Constitution permits individual states to establish a death penalty as punishment for certain crimes.

Table 14: True or False: The U.S. Constitution permits a state to establish a death penalty as punishment for certain crimes.

	%
True	83
False	14
Don't know/no answer	3
(Number of respondents)	(1,004)

Legalizing Marijuana

A majority (68%) of the American public are not aware that a state can legalize marijuana within its borders.

Table 15: True or False: The U.S. Constitution permits a state to legalize marijuana within its borders.

	%
True	28
False	68
Don't know/no answer	4
(Number of respondents)	(1,004)

Voting Requirements

Two-thirds of the American public (68%) correctly say the individual states are constitutionally in charge of voting requirements. Only twenty-one percent (21%) know that states can require citizens to take literacy tests before they may become registered voters.

Table 16: True or False: The original U.S. Constitution left voting requirements up to the individual states.

	%
True	68
False	27
Don't know/no answer	5
(Number of respondents)	(1,004)

Table 17: True or False: The U.S. Constitution permits a state to require its citizens to take a literacy test to prove reading and writing ability before they may become registered voters.

	%
True	21
False	75
Don't know/no answer	4
(Number of respondents)	(1,004)

Local Office Restrictions

Eight out of ten (81%) Americans know a community cannot impose religious requirements as a qualification for running for local public office.

Table 18: True or False: According to the U.S. Constitution, your community can impose religious requirements as a qualification for running for local public office.

	%
True	15
False	81
Don't know/no answer	4
(Number of respondents)	(1,004)

Government Money to Religious Schools

Forty-six percent (46%) of the public incorrectly say a state can give money to religious schools provided it gives it to all religious schools equally. Forty-seven percent (47%) correctly say a state cannot give out money in this fashion.

Table 19: True or False: A state can give money to religious schools provided it gives it to all religious schools equally.

	%
True	46
False	47
Don't know/no answer	7
(Number of respondents)	(1,004)

Religion in Local Schools

A majority of Americans (57%) falsely believe local schools may require children to pledge allegiance to the U.S. flag. Half (50%) also wrongly believe local schools may order a moment of silence for purposes of prayer. But more than three-quarters (78%) know local schools may not institute Bible readings in the classroom.

Table 20: True or False: According to rulings by the Supreme Court:

	True	False	DK/NA
	%	%	%
Local schools may require children to pledge allegiance to the U.S. flag	57	39	3
Local schools may order a moment of silence for purposes of prayer	50	46	4
Local schools may institute Bible readings in the classroom	19	78	3
(Number of respondents)	(1,004)		

C) Knowledge of the Supreme Court

Final Authority on the Constitution

Six in ten (59%) Americans correctly say the Supreme Court, by ruling on individual court cases, is the final authority on the interpretation of the Constitution. Another fifty percent (50%) correctly say a Supreme Court decision can be overruled.

Table 21: The Constitution of the United States is continually reinterpreted to accommodate social change, among other reasons. Who is the final authority on the interpretation of the Constitution?

	%
The Supreme Court by ruling on individual court cases	59
The Congress of the U.S. by voting new legislation	25
The President by issuing executive orders	12
Don't know/no answer	5
(Number of respondents)	(1,004)

Table 22: The Supreme Court is the final authority on all Constitutional issues. Can a Supreme Court decision ever be overruled?

	%
Yes	50
No	46
Don't know/no answer	6
(Number of respondents)	(1,004)

State Court Appeals

Eighty-five percent (85%) of the American public wrongly believe any important court case can be appealed from the state courts to the Supreme Court.

Table 23: True or False: Any important court case can be appealed from the state courts to the U.S. Supreme Court.

	%
True	85
False	12
Don't know/no answer	3
(Number of respondents)	(1,004)

Chief Justice of the United States

Less than half (43%) of the public know that William Rehnquist is the current Chief Justice of the United States.

Table 24: Who is the current Chief Justice of the United States?

	%
William Rehnquist	43
Warren Burger	29
Earl Warren	7
William Brennan, Jr.	4
Don't know/no answer	16
(Number of respondents)	(1,004)

Landmark Supreme Court Cases

A majority (55%) of the American public correctly identify Brown vs. Board of Education as a Supreme Court case which dealt with racial segregation in the schools. Forty-five percent (45%) know that Miranda vs. Arizona dealt with the rights of the criminally accused. Thirty percent (30%) know that Roe vs. Wade was a Supreme Court case which dealt with abortion. At least twenty-eight percent (28%) of the respondents did not know or would not venture an answer on these three questions.

Table 25: Brown vs. Board of Education was a landmark Supreme Court case which dealt with:

	%
Racial segregation in schools	55
Abortion rights	8
The rights of a person accused of a crime	8
Don't know/no answer	28
(Number of respondents)	(1,004)

Table 26: Miranda vs. Arizona was a landmark Supreme Court case which dealt with:

	%
The rights of a person accused of a crime	45
Abortion rights	12
Racial segregation in schools	8
Don't know/no answer	35
(Number of respondents)	(1,004)

Table 27: Roe vs. Wade was a landmark Supreme Court case which dealt with:

	%
Abortion rights	30
The rights of a person accused of a crime	16
Racial segregation in schools	9
Don't know/no answer	45
(Number of respondents)	(1,004)

III. Constitutional Guarantees and the Individual

A) Knowledge of Individual Rights

Right to Free Public Education

Three-quarters (75%) of the American public are under the misconception that the Constitution guarantees every citizen the right to a free public education.

Table 28: True or False: The U.S. Constitution guarantees every citizen's right to a free public education through high school.

	%
True	75
False	23
Don't know/no answer	2
(Number of respondents)	(1,004)

Right to Own a Handgun

Half (50%) of the American population wrongly believe the Constitution gives every citizen the right to own a handgun.

Table 29: True or False: The Constitution of the United States gives every citizen the right to own a handgun.

	%
True	50
False	48
Don't know/no answer	2
(Number of respondents)	(1,004)

Right to Adequate Health Care

Four in ten (42%) Americans falsely believe the Constitution guarantees every citizen's right to adequate health care.

Table 30: True or False: The U.S. Constitution guarantees every citizen's right to adequate health care if he or she cannot pay.

	%
True	42
False	54
Don't know/no answer	4
(Number of respondents)	(1,004)

Right to a Job

Seven in ten (69%) Americans know the Constitution does not guarantee a citizen's right to a job.

Table 31: True or False: The U.S. Constitution does not guarantee a citizen's right to a job.

	%
True	69
False	29
Don't know/no answer	2
(Number of respondents)	(1,004)

Right to Preach Revolution

Only forty-four percent (44%) of the American public know the U.S. Constitution permits American citizens to preach revolution.

Table 32: True or False: The U.S. Constitution permits U.S. citizens to preach revolution.

	%
True	44
False	51
Don't know/no answer	5
(Number of respondents)	(1,004)

Right to Immigrate to the United States

Six in ten (62%) Americans correctly say the U.S. Constitution does not guarantee unlimited entry of people from other countries into the United States.

Table 33: True or False: The U.S. Constitution does not guarantee unlimited entry of people from other countries into the United States.

	%
True	62
False	35
Don't know/no answer	3
(Number of respondents)	(1,004)

B) The Criminal Justice System

Rights to and During a Trial

Nine out of ten (92%) Americans are aware that in a criminal trial they must be provided with a lawyer if they cannot afford to pay for one. Five out of six (83%) know they must be provided with a trial by jury, and a similar number (81%) are aware that their spouse cannot be forced to testify against them. Seven in ten (69%) know they cannot be tried a second time for a crime for which they were found innocent.

Table 34: Suppose that you have been accused of a serious crime. True or False: According to the U.S. Constitution, you have the following rights:

	True	False	DK/NA
	%	%	%
You must be provided with a lawyer if you cannot afford to pay for one	92	7	1
You must be provided with a trial by jury	83	17	1
Your spouse cannot be forced to testify against you	81	16	3
You cannot be tried a second time for a crime for which you were found innocent even if new evidence in the case is found	69	29	2
(Number of respondents)	(1,004)		

Denial of Voting Rights

Fifty-five percent (55%) of Americans know convicted felons are denied the right to vote. Forty-six percent (46%) wrongly say adults who have been U.S. citizens for less than one year can be denied the right to vote. Nearly four in ten (38%) incorrectly say anyone who has spent time in prison can be denied the right to vote.

Table 35: According to the U.S. Constitution and the United States Supreme Court, who among the following can be denied the right to vote?

	Yes	No	DK/NA
	%	%	%
A convicted felon	55	40	5
Any adult who has been a U.S. citizen for less than one year	46	52	3
Anyone who has spent time in prison	38	57	4
None of the above—No one can be denied their right to vote	9	6	1
(Number of respondents)	(1,004)		

Punishment of Minors

Six in ten (62%) Americans correctly say that people can be punished for crimes committed before the age of 18.

Table 36: True or False: Under the Constitution, a person can be punished for a crime committed before he or she was 18 years old.

	%
True	62
False	33
Don't know/no answer	5
(Number of respondents)	(1,004)

Right to Protection Against Unwarranted Search

An overwhelming majority (94%) of Americans know the police can search a private home without the permission of the residents if they have obtained a search warrant. One in four (26%) wrongly believe the police can search a home without permission if the residents are not U.S. citizens. One in five (21%) falsely believe the police can search a home without permission if the residents have criminal records. One in five (19%) also wrongly believe the police can search a home without permission if the residents are related to or friendly with a known drug dealer.

Table 37: Suppose that the police come to your house and say they are looking for illegal drugs. True or False: According to the U.S. Constitution, the police can search your home without your permission:

	True	False	DK/NA
	%	%	%
If they have shown a judge there is probable cause of illegal drugs being on the premises and have obtained a search warrant	94	6	1
If you are not a United States citizen	26	66	9
If you have a criminal record	21	75	5
If you are related to or friendly with a known drug dealer	19	76	5
None of the above—they can never search your home without your permission	1	0	0
(Number of respondents)	(1,004)		

C) Knowledge of First Amendment Freedoms

The Rights of the Media

About half (48%) of the American public know if a libel case is brought to trial, the burden of proof is on the person who claims to have been libeled, and not on the media representative.

Table 38: Libel is defined as the printing of any false and malicious statement. Suppose that a public figure thinks that a story printed about himself in the newspaper is libelous and sues. If the case is brought to trial:

	%
Does the newspaper have to prove in court that the story is true?	44
Or:	
Does the public figure have to prove that the story is false and that the newspaper knew so and/or didn't care?	48
Don't know/no answer	8
(Number of respondents)	(1,004)

Freedom of the Press

Slightly more than half (54%) of the public know the right to publish and distribute hard-core pornography is restricted.

Table 39: The First Amendment of the U.S. Constitution states that "Congress shall make no law...abridging the freedom of the press." True or False: This means you have the right to publish and distribute printed matter, even hard-core pornography, without being subject to any restrictions.

	%
True	43
False	54
Don't know/no answer	3
(Number of respondents)	(1,004)

IV. The Public on Contemporary Constitutional Issues

Calling a Constitutional Convention

Six in ten (61%) Americans say a special Constitutional Convention should be assembled in 1987, the bicentennial of the Constitution, to consider amendments dealing with contemporary issues such as prayer in public schools, abortion, and freedom of the press.

Table 40: The U.S. Constitution states that a special Constitutional Convention may be called to consider amending that document when two-thirds of the states request it. Do you think a Constitutional Convention should be assembled in 1987, the bicentennial anniversary of the Constitution, to consider amendments dealing with contemporary issues such as prayer in public schools, abortion, freedom of the press, and other matters?

	%
Yes	61
No	34
Don't know/no answer	5
(Number of respondents)	(1,004)

Broadcasting Media and the First Amendment

More than half (56%) of the American public feel the First Amendment should be rewritten for the present day so it clearly applies to the rights of broadcasting media.

Table 41: The First Amendment to the Constitution, which guarantees the right to a free press, was adopted in 1791, when the only means of communication was print, such as newspapers and magazines. Should this amendment be rewritten for the present day so that this legal principle clearly applies to the rights of federally licensed broadcasting media such as your local television station?

	%
Yes	56
No	39
Don't know/no answer	5
(Number of respondents)	(1,004)

Right to Adequate Health Care

Nearly three-quarters (73%) of the American public believe there should be an amendment to the U.S. Constitution that would guarantee every citizen's right to adequate health care if he or she cannot pay for it.

Table 42: Should there be an amendment to the U.S. Constitution that would guarantee every citizen's right to adequate health care if he or she cannot pay for it?

	%
Yes	73
No	24
Don't know/no answer	2
(Number of respondents)	(1,004)

Public Office and the Clergy

One-quarter (25%) of the American public believe the constitutional separation of church and state should be interpreted to prohibit members of the clergy from holding public office.

Table 43: The U.S. Constitution requires separation of church and state. Do you think this should be interpreted to prohibit members of the clergy from holding public office?

	%
Yes	25
No	72
Don't know/no answer	3
(Number of respondents)	(1,004)

Presidential Terms of Office

More than one-third (36%) of the American population would favor a constitutional amendment that would permit a President to serve more than two terms.

Table 44: The 22nd Amendment to the U.S. Constitution says "No person shall be elected to the office of President more than twice." Should this amendment be repealed so that a President could be elected to serve more than two terms?

	%
Yes	36
No	62
Don't know/no answer	2
(Number of respondents)	(1,004)

Reappointing Supreme Court Justices

Seven in ten (68%) Americans say there should be a constitutional amendment that would require Supreme Court Justices to be reappointed after serving a term of years.

Table 45: As stipulated by the U.S. Constitution, Supreme Court Justices are appointed for life. Should the Constitution be amended so that Supreme Court Justices would serve for a term of years and then have to be reappointed?

	%
Yes	68
No	28
Don't know/no answer	4
(Number of respondents)	(1,004)

PART III.

The Survey Methodology

Sample

Respondents were reached by telephone from a sample of randomly generated telephone numbers provided by Survey Sampling, Inc., of Westport, Connecticut.

Weighting

Results were weighted against most recently available U.S. Census Bureau statistics to improve generalizations of sample findings to the adult population as a whole. Accordingly, results were adjusted to account for sample variations in gender, race, age, education, and area of the country.

Reliability of Survey Results

Results of any sample are subject to sampling variation. The magnitude of the variation is measurable and is affected by the number of interviews and the percentage distribution. The table below shows the possible sample variation that applies to percentage results reported in this study.

The chances are 95 in 100 that a survey percentage result does not vary—plus or minus—by more than the indicated number of percentage points from the results that would be obtained if the interviews had been conducted with all persons in the universe represented by the sample.

Size of Sample on Which Survey Result Is Based	Approximate Sampling Tolerances Applicable to Percentages At or Near These Levels				
	50/50	60/40	70/30	80/20	90/10
100	10.0	9.8	9.2	8.0	6.0
200	7.1	6.9	6.5	5.7	4.2
300	5.8	5.7	5.3	4.6	3.5
400	5.0	4.9	4.6	4.0	3.0
500	4.5	4.4	4.1	3.6	2.7
600	4.1	4.0	3.7	3.3	2.4
700	3.8	3.7	3.5	3.0	2.3
800	3.5	3.5	3.2	2.8	2.1
900	3.3	3.3	3.1	2.7	2.0
1,000	3.2	3.1	2.9	2.5	1.9
1,500	2.5	2.5	2.3	2.0	1.5

Data Collection

Approximately 25 members of the Research & Forecasts data collection staff conducted interviews of the general public from October 20, 1986 through November 2, 1986. Interviews took place on weeknights between the hours of 6 p.m. and 10 p.m. and on weekends from 12 noon to 8 p.m.

In order to ensure that the respondents represented a random sample of United States residents, every effort was made to reach and complete an interview with a qualified respondent at each number. Interviewers made one initial call and at least three callbacks to each telephone number that had neither yielded a complete interview nor been disqualified. At least 10% of all interviewees were called back by survey supervisors to ensure that the questionnaires were correctly filled out.

General Public Response Rate*

Completed Interviews	1,004	(44%)
Nonresponse**	1,289	(56%)
Refusals	1,136	
Terminated interviews	40	
Deaf/Language problem	113	
Total Potential Respondents	2,293	(100%)
Excluded from Sample***	2,122	
Callbacks	345	
Disconnected	742	
Never answered	683	
Always busy	116	
Business/Government	184	
Not qualified****	83	
Total Number of Calls	4,415	

*The computation of response rates for this study conforms to guidelines set by the Council of American Survey Research Organizations (CASRO).

**Refusals, terminations, and calls that resulted in respondents who had difficulty hearing the interviewer or a language barrier are classified as "nonresponses."

***Respondents who suggested the interviewer call back; calls that reached businesses and government offices; and respondents who proved to be not qualified to participate in this study are excluded from the sample. Disconnected numbers, unanswered calls, and busy signals are also excluded from response rate calculation. Busy signals and no answers (lines that remained unanswered or busy for *four* consecutive attempts) were assumed to be nonresidential numbers such as phone booths or businesses closed for the evening.

****Those who could not be interviewed because they were too young, were not residents of the household being contacted, or because they had at some time attended law school were classified as "Not Qualified."

The survey was conducted by Research & Forecasts, 110 East 59th Street, New York, NY 10022, a communications and research consulting firm. The project directors were Dr. Franklin J. Walton, President, and Vic Russell, Senior Vice President, Research & Forecasts.

Research & Forecasts has exercised its most advanced methods in the preparation of this information in order to ensure result accuracy. Data processing was subject to rigorous internal checks designed to detect both machine and human error. Research & Forecasts cannot, however, assume responsibility for any use which is made of this information or any decisions based upon it. As required by the Code of Standards of the Council of American Survey Research Organizations, we maintain the anonymity of our respondents. No information will be released that in any way will reveal the identity of a respondent.

Research & Forecasts wishes to thank Professor Louis Henkin, Esq., School of Law, Columbia University, for his consultation with the project staff and assistance in the survey design.